

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**FACT SHEET**

**SUBJECT:                   General National Pollutant Discharge Elimination System Permit  
for Discharges with Low Threat to Water Quality,  
Order No. R3-2006-0063, NPDES No. CAG 993001**

**KEY INFORMATION:**

Location:               This permit applies to locations throughout the Central Coast Region

Types of Waste:       This permit applies to many types of waste discharges with very low pollutant content and with no likely adverse effect on water quality, including, but not limited to the following:

- Maintenance and hydrostatic testing of water supply wells, tanks, and pipelines;
- Fire hydrant testing or flushing;
- Evaporative cooling discharge;
- Swimming and landscape pool drainage;
- Brine from small desalination facilities to marine waters;
- Seafood processing wash water; and
- Treated bilge water from small watercraft.

This Action:           Reissue NPDES Permit No. CAG 993001

**SUMMARY**

This action will reissue the region-wide NPDES general permit covering low-threat discharges from various sources. Historic monitoring data shows that these common discharge sources typically pose very little or no threat to water quality. By reissuing this permit, the Water Board enables staff to rapidly enroll these discharges and implement appropriate requirements for discharge and monitoring. This benefits water quality by economizing on Water Board resources spent on low threat discharges by not issuing individual permits, thereby allowing better resource allocation toward priority water quality threats.

**DISCUSSION**

**Background**

In 1972, the Federal Water Pollution Control Act (Clean Water Act [CWA]) was amended to prohibit the discharge of pollutants to waters of the United States from any point source unless the discharge complies with a National Pollutant Discharge Elimination System (NPDES) permit. The federal regulations allow authorized states to issue general NPDES permits or individual NPDES permits to regulate discharges of pollutants to waters of the United States. The Central Coast Regional Water Quality Control Board (Water Board or Central Coast Water Board) adopted its first General NPDES Permit for Discharges with Low Threat to Water Quality (hereafter "General Permit") in December 1996 and has subsequently amended it every five years (2001 and 2006).

The purpose of the General Permit is to facilitate permitting of discharges that Water Board staff determines pose a low water-quality threat, in a timely and cost effective manner. The General Permit can be used in concert with the Board's waiver policy and other low threat permits for regulating low threat discharges to land and surface water.

To obtain authorization under the General Permit for continued and future discharges to waters of the United States, dischargers in categories covered by the General Permit must submit a Notice of Intent (NOI) as provided in 40 CFR Part 122.28 (b)(2). After the effective date of the General Permit (December 1, 2006), all low threat dischargers in categories covered under the General Permit must file either an NOI or an application for an individual NPDES permit. Unmodified existing discharges that are covered under the existing low-threat permit need not file a new NOI.

Discharging pollutants to surface waters without an NPDES permit is illegal, whether or not a discharge is eligible for coverage under the General Permit. Facilities that discharge pollutants and do not obtain coverage under this or another general NPDES permit, or under an individual NPDES permit, are in violation of the CWA and the California Water Code.

To date, 78 dischargers have been authorized to discharge wastewater under the General Permit and 47 dischargers are still actively enrolled. Approximately 20 to 30 new applications for coverage under the General Permit are received each year. Streamlining the permitting process through the General Permit has resulted in regulation of many low threat waste discharges in a timely and resource-efficient manner, thus not expending undue staff time on lower priority work.

#### **Criteria for Enrollment under this General Permit**

The General Permit is intended to cover all new or existing discharges with low threat to water quality. To be covered by the General Permit, discharges must meet the following criteria:

1. Pollutant concentrations in the discharge do not (a) cause, (b) have a reasonable potential to cause, or (c) contribute to an excursion above any applicable water quality objectives, including prohibitions of discharge for a given surface water body.
2. The discharge does not include water added for the purpose of diluting pollutant concentrations.
3. Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.

#### **Types of Discharges Covered by the General Permit**

The list below provides examples of discharges potentially meeting the above stated criteria. This is not a complete list of discharges eligible for consideration of coverage under the General Permit. Dischargers may submit NOIs for other proposed discharges to the Water Board for coverage consideration. In addition, local governmental agencies may require controls or management measures for discharges occurring within their jurisdiction in addition to or more stringent than the controls specified in this General Permit. Discharges in the following categories already covered under the NPDES program by an individual NPDES permit may receive coverage under the General Permit if the discharger submits an NOI for coverage under the General Permit. Dischargers whose discharges fit in the following categories but are not already covered under the NPDES program, must submit an NOI to be covered by the General Permit or must submit a complete NPDES application to obtain an individual NPDES permit.

1. Discharges associated with water supply well installation, development, test pumping and purging;
2. Discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.;
3. Discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.;
4. Discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.;
5. Discharges from water supply systems resulting from system failures, pressure releases, etc.;
6. Discharges from fire hydrant testing or flushing;
7. Commercial cooling tower water;
8. Evaporative condensate;
9. Swimming and landscape pool drainage;
10. Brine from small desalination facilities;
11. Seafood processing wash water;
12. Treated bilge water from small watercraft;
13. Other low-threat discharges not covered by the Construction Activities Storm Water General Permit (i.e., sites with less than one acre of disturbance or where projects are not part of a larger common plan of development that in total disturbs one or more acres), the Industrial Activities Storm Water General Permit, a Caltrans Statewide General Permit, or Statewide General NPDES Permit for Discharges from Utility Vaults and Underground Structures; and,
14. Other similar types of wastes that pose a low threat to water quality yet technically must be regulated under waste discharge requirements.

These wastewaters may be treated and discharged on either a continuous or batch basis.

#### **Types of Discharges Not Covered by the General Permit**

Discharges that are excluded from coverage under the General Permit include (1) discharges from domestic wastewater treatment facilities, (2) discharges from secondary containment structures, (3) discharges from groundwater cleanup projects,

and (4) discharges exhibiting acute or chronic toxicity, containing chemical or organic constituents in concentrations that may impact water quality, or have a temperature adversely impacting beneficial uses. These discharges are appropriately regulated under an individual or another general NPDES permit.

Discharges from soil and groundwater cleanups are most appropriately regulated under this Region's General NPDES Permit for Discharges of Highly Treated Groundwater to Surface Waters.

#### **Permit Limitations**

Effluent, receiving water, and groundwater limitations proposed in the General Permit protect the beneficial uses of receiving surface waters and are based on limitations specified in the Basin Plan and the California Ocean Plan.

The General Permit expires on December 1, 2011. Those permittees authorized to discharge under the General Permit at the time of expiration will automatically be re-enrolled under the reissued General Permit, unless a Notice of Termination or Transfer is submitted to terminate coverage.

#### **California Toxics Rule**

On December 22, 1992, and May 18, 2000, U.S. Environmental Protection Agency adopted the National Toxics Rule and the California Toxics Rule, respectively. These toxic rule regulations are codified in 40 CFR section 131.36 and section 131.38 and establish numeric criteria for priority toxic pollutants for California's inland surface waters, enclosed bays, and estuaries. Concurrently with the California Toxics Rule adoption, the State Board adopted a Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Plan).

The State Implementation Policy establishes procedures to implement National Toxics Rule and California Toxics Rule water quality criteria

as well as water quality objectives contained in the Basin Plan. The State Implementation Policy requires dischargers to submit sufficient data to determine the need for water quality-based effluent limits and establishes procedures for determining that need, and for calculating these effluent limits, when necessary.

In accordance with the methodology of the State Implementation Policy, the most stringent applicable water quality-based effluent limits and criteria contained in the Basin Plan, the National Toxics Rule, and the California Toxics Rule, were compared to determine the effluent limit for toxic pollutants.

The State Implementation Policy requires periodic monitoring of priority pollutants for which no effluent limitations have been established. However, low-volume discharges are exempt from this monitoring requirement because the discharge is determined to have no significant adverse impact on water quality.

The State Implementation Plan also authorizes exceptions (Section 5.3) from State Implementation Plan provisions for certain categories of discharges, such as those resulting from resource management (e.g. fishery management, etc.), and fulfillment of the federal Safe Drinking Water Act or the California Health and Safety Code (e.g. draining water supply reservoirs, pipelines, and treatment facilities for cleaning and maintenance, etc.).

Water Board staff will evaluate information submitted as part of the NOI and will determine if waste discharges have no significant impact on water quality and/or meet the conditions for categorical exceptions from the State Implementation Plan provisions. Upon this determination, the discharge can be enrolled under the General Permit. Although the General Permit does not contain numeric effluent limitations for toxic pollutants, granting the exceptions will not compromise the protection of surface water beneficial uses. No discharger can obtain coverage under the permit if

pollutants in the discharge have the reasonable potential to cause or contribute to a water quality standards violation.

## OTHER GENERAL NPDES PERMITS

**Highly Treated Groundwater to Surface Waters General Permit** – On December 7, 2001, the Central Coast Water Board adopted Order No. 01-134 (NPDES No. CAG993002) for discharges of highly treated groundwater to surface waters, which was a renewal and update of Order No. 96-04. That permit applies to discharges of highly treated groundwater resulting from cleanups at leak and spill sites with no likely adverse effect on water quality, including, but not limited to:

- Cleanup of petroleum or other chemicals from underground storage tanks, or other sources of pollution;
- Aquifer pumping tests;
- Dual-phase extraction, or other remedial pilot tests; and
- Excavation dewatering for the removal and installation of underground storage tanks, or during the excavation of contaminated soils.

This highly treated groundwater NPDES permit (No. CAG993002) is also scheduled to be renewed on December 1, 2006.

**Industrial Activities Storm Water General Permit** – On April 17, 1997, the State Water Board adopted Order No. 97-03-DWQ, NPDES General Permit No. CAS000001 for the regulation of storm water discharges associated with industrial activities. Order No. 97-03-DWQ, Special Condition D-1, authorizes non-storm water discharges, including fire hydrant flushing; potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems; atmospheric condensates, including refrigeration, air conditioning, and compressor condensate; irrigation drainage and landscape watering; springs and groundwater; foundation or footage drainage; sea water

infiltration; and discharges from fire fighting activities.

Order No. 97-03-DWQ (Industrial General Permit) allows the Central Coast Water Board discretion to establish additional monitoring and reporting requirements for any of these non-storm water discharges. The additional monitoring and reporting requirements and discharge limitations contained in the Industrial General permit may serve that purpose. To ensure compliance with water quality objectives, coverage under this General Permit may be necessary for any of the non-storm water discharges not listed in the Industrial General Permit. However, duplicative permit coverage is not required.

**Construction Activities Storm Water General Permit** – On August 19, 1999, the State Water Board adopted Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 for the regulation of storm water discharges associated with construction activities. Order No. 99-08-DWQ; Special Provision No. C.3 allows for discharges of construction-related non-storm water that do not cause or contribute to a violation of any water quality standard. Such discharges include, but are not limited to irrigation of vegetative erosion control measures, pipe flushing and testing, street cleaning, and dewatering. Order No. 99-08-DWQ provides adequate water quality protection and compliance monitoring. Non-storm water discharges related to construction activities may continue to be regulated under Order No. 99-08-DWQ while construction activities continue.

**Caltrans Statewide Storm Water Permit** – On July 15, 1999, the State Water Board adopted Order No. 99-06-DWQ (Caltrans General Permit), NPDES General Permit No. CAS000003 for the regulation of storm water discharges associated with Caltrans activities. Order No. 99-06-DWQ, Provision B, authorizes discharges of non-storm water from sources owned or operated by Caltrans that are not sources of pollutants to receiving waters. To ensure compliance with water quality objectives, coverage under this

General Permit may be necessary for any of the non-storm water discharges not listed in the Caltrans General Permit; therefore, duplicative permit coverage is not required.

**Statewide General NPDES Permit for Discharges from Utility Vaults and Underground Structures** – On July 19, 2006, the State Water Board adopted Order No. 2006-0008-DWQ, NPDES General Permit No. CAG990002 for the regulation of dewatering of storm water inflow, subterranean seepage, and water condensation from utility vaults and other underground structures. These types of discharges are appropriately regulated under that general permit.

**Statewide General NPDES Permits for Discharges of Aquatic Pesticides**— On May 20, 2004, the State Water Board adopted Order No. 2004-0009-DWQ, General NPDES Permit No. CAG990005 for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States. General NPDES Permit No. CAG990005 regulates pollutants associated with aquatic pesticide applications including over-applied and misdirected pesticide product and pesticide residues. These types of discharges are appropriately regulated under that general permit.

## CHANGES TO GENERAL PERMIT REQUIREMENTS

The following changes to the former General Permit (Order No. 01-119) are included in this General Permit (Order No. R3-2006-0063):

**Enrollment Criteria** — Four additional criteria have been stated in the General Permit. These are sections:

d. Pollutant concentrations in the discharge shall not exceed the water quality criteria for toxic pollutants (Attachment D and Part C of this Order).

e. The discharge shall not cause acute or chronic toxicity in receiving waters.

f. The discharger shall demonstrate the ability to comply with the requirements of this General Permit.

g. The Discharger shall inform appropriate jurisdictional agencies and the public about the potential significant environmental effects of proposed activities as required by the California Environmental Quality Act (CEQA).

**Examples of Other Low Threat Discharges** — Examples of other low threat discharges not covered by other discharge specific general NPDES permits includes the low threat discharges not covered under the Construction Activities Storm Water General Permit. This example required further clarification in that the other low threat discharges not covered under the Construction Activities Storm Water General Permit specifically targets sites with less than one acre of construction disturbance and construction sites less than one acre that are not

**State Implementation Policy** — Examples of State Implementation Policy categorical exceptions have been described in the revised General Permit in Finding No. 7.

**Special Circumstances For Enrollment** — Special circumstances allowing enrollees the benefit of submitting a single application for multiple qualifying low threat discharges within a specific groundwater basin or receiving water body is outlined in Section 10 of the General Permit. The special circumstance states that subsequent new discharges from the same sources or discharges into the same groundwater basin or receiving water body may be added to the existing General Permit enrollment at a future date by submitting a notice of intent (NOI) that indicates an “Additional Discharge to Existing Low Threat to Water Quality General Permit.” The Discharger must provide the required information as stated in Section A in the General Permit.

**Ocean Plan** — References to the adopted 2005 Ocean Plan have been made in the revised General Permit.

**California Toxics Rule, National Toxics Rule and the State Implementation Policy** — the revised General Permit provides more detailed and specific information regarding the California Toxics Rule, National Toxics Rule and the State Implementation Policy.

**Other General NPDES Permits Section** — Water Board staff removed the section entitled, “Other General NPDES Permits” from the General Permit and inserted it into the General Permit Staff Report. Water Board staff found that this type of information was not critical information for Discharger compliance with the General Permit.

**The California Environmental Quality Act (CEQA)** — This section of the General Permit is updated to include Categorical Exception CEQA authorizations to the Water Board by the State Implementation Policy and cite additional CEQA exemptions applicable to the permit renewal.

**The Clean Water Enforcement and Pollution Prevention Act of 1999** — Provisions regarding mandatory minimum penalties are more clearly stated.

**Water Code Section 13241** — The revised General Permit now includes a statement justifying individual pollutant requirements of the revised General Permit that are more restrictive than the federal Clean Water Act.

**Annual Fee Clarification** — Due to regular fee modifications, the General Permit no longer states a dollar amount for the General Permit application fee. Applicants are directed to contact the Central Coast Regional Water Board for the current fee schedule.

**Source of Requirements** — The adopted 2005 State Implementation Policy has been added to the source of requirements for this General Permit.

**Application Requirements for California Toxic Rule evaluating potential for Water Quality Degradation** — The Discharger is now required to provide analytical results of effluent for priority pollutants listed in the new Attachment D of the General Permit. This requirement does not apply to State Implementation Policy Categorical Exceptions as stated in Section 5.3 of the State Implementation Policy.

**Application Requirements for Background Analyses of the Receiving Surface Water Body** — Previous versions of the General Permit did not require applicants to perform receiving surface water body background sampling and analyses prior to enrollment. Water Board staff needs the background receiving surface water body data in order to ascertain if the permitted facility's discharge is meeting the effluent and receiving water limitations. The additional sampling analyses is outlined in Section A b.6 of the General Permit. The applicant is required to provide pH, temperature, color, turbidity, and dissolved oxygen analytical results to Water Board staff from a representative sample of the receiving surface water at a point 50 feet upstream and 50 feet downstream from the point of discharge, or if access is limited, at the first point upstream and downstream which is accessible.

**Reasonable Potential Criteria Qualification** — If effluent limits require a reasonable potential analysis as stated in Section 1.3 of the State Implementation Policy, then the Discharger is directed to obtain coverage under an individual NPDES permit or a different General Permit.

**State Implementation Policy Categorical Exception Enrollment Criteria** — Direction on obtaining a Categorical Exception to the State Implementation Policy is provided in the revised

General Permit. Enrollment criteria for these types of discharges include the following requirements:

- a. A detailed description of the proposed action (i.e., draining water supply pipes, cleaning or maintenance of storm water conveyance systems, water supply well purging, etc.), including the proposed method of completing the action;
- b. A time schedule;
- c. A discharge and receiving water quality monitoring plan (before project initiation, during the project, and after project completion, with the appropriate quality assurance and quality control procedures);
- d. CEQA documentation;
- e. Contingency plans;
- f. Identification of alternative water supply (if needed);
- g. Residual waste disposal plans;
- h. Upon completion of the project, the discharger shall provide certification by a qualified biologist that the receiving water beneficial uses have been restored.

**Contingency Plan Submittal** — The discharger is directed to submit a Contingency Plan if the proposed discharge exceeds 0.3 million gallons per day (MGD) and is longer than 6 months in duration or if the discharge qualifies for a State Implementation Policy Categorical Exception.

**Discharges Already Covered under the General Permit** — Text has been added to the General Permit stating, "9. As of the effective date of Order No. R3-2006-0063, Dischargers covered under Order No. 01-119 shall be enrolled under Order No. R3-2006-0063. Such Dischargers must comply with all requirements of

Order No. R3-2006-0063 beginning with the effective date.”

**Additional Discharge Prohibition** — To ensure that the discharge does not cause erosion at the point of discharge into the receiving water body, the following discharge prohibition has been added to the General Permit as Section B.7, “The discharge shall cause no scouring or erosion at the point where it discharges into the receiving waters.”

**Effluent Limitations for Chlorine Residual** — In Effluent Limitations Section C.1, the word ‘measurable’ is now ‘detectable’ based on analytical terminology. Typically, an analytical statement regarding ‘detection’ refers to an instrument’s detection limit or the method detection limit that verifies the existence or non-existence of a constituent but is not necessarily an accurate ‘measurement’ or quantification of the constituent.

**Additional Effluent Limitations for Total Dissolved Solids** — Water Board staff added an effluent limitation for total dissolved solids (TDS). This is based on the high potential for evaporative cooler discharge water having high TDS concentrations. The new Section C.2 states, “Effluent shall not have measurable total dissolved solids greater than water quality objectives stated for general and specific inland water bodies and groundwater.”

**Deletion of Effluent Limitations for Ocean Plan Acute Toxicity** — In the last amended version of the Ocean Plan (2005), acute toxicity is no longer a Table A effluent limitation but is now an ocean water quality objective. Water Board staff has removed the acute toxicity effluent limitation from the Section C.4 table. Acute toxicity will continue to be monitored on an annual basis.

**State Implementation Policy Categorical Exception Effluent Limitations** — Discharges qualifying for Categorical Exception criteria must meet California Department of Health

Services Maximum Contaminant Levels for drinking water.

**Receiving Water Limitations** — Receiving waters limitations for pH, temperature, color, turbidity, and dissolved oxygen are not relevant for a dry creek or riverbed; therefore, limitations to receiving water has been furthered specified as, “when surface waters are running.”

**Additional Receiving Water Limitation Modifications** — The statement “The discharge shall not contain:” alludes to effluent limitations more than for a section describing receiving water limitations. Water Board staff removed this statement from Section D of the General Permit.

**Standard Provisions and Reporting Requirements** — The General Permit now requires General Permit enrollees to comply with the Central Coast Region’s Standard Provisions and Reporting Requirements for National Pollutant Discharge Elimination System Permits with the exception of section A.16. Standard provision A.16 requires annual reports to be submitted on January 30 of each year. Annual reporting for this General Permit will occur as stated in Monitoring and Reporting Program No. R3-2006-0063.

**Contingency Plan Public Review** — Discharges requiring a Contingency Plan will be required to go through the 30-day public comment period before enrollment into the General Permit.

## MONITORING AND REPORTING

MRP No. R3-2006-0063 is part of the General Permit. This general MRP requires routine effluent and receiving water monitoring to verify compliance and protection of water quality. Upon enrollment of each discharge under the General Permit, Staff may modify the MRP to accurately monitor the effect of that specific discharge. For instance, if a particular discharge has no potential



to contain oil and grease, the requirement to monitor oil and grease in effluent would be removed. Conversely, if the general MRP is deemed insufficient to monitor a particular discharge, the monitoring frequency may be increased and/or the list of monitored constituents may be expanded.

## **CHANGES TO GENERAL PERMIT MONITORING AND REPORTING PROGRAM**

The following changes to the former General Permit Monitoring and Reporting Program (MRP; Order No. 01-119) are included in this General Permit MRP (Order No. R3-2006-0063):

### **Sections A through D Added to the MRP —**

Overall, the General Permit MRP now includes background and defining text that supports the requirements of the General Permit MRP. The following sections have been added to the General Permit MRP. A discussion about each section is provided in detail below:

- A. GENERAL
- B. DEFINITION OF TERMS
- C. SPECIFICATIONS FOR SAMPLING AND ANALYTICAL METHODS
- D. START UP PHASE MONITORING AND REPORTING

Section A. General: The General section provides the legal reference requiring a discharger to perform discharge monitoring and reporting. This section also summarizes the principal purposes of the monitoring program.

Section B. Definition of Terms: Section B provides guidance to the non-technical Discharger and added clarity of terms for personnel performing the sampling and reporting. Water Board staff has defined the terms for effluent and receiving water body

sample stations so that sample locations are consistent within all General Permit enrollees.

Section C. Specifications for Sampling and Analytical Methods: Much of the text in this section comes from the previous General Permit MRP Section C but has been modified to provide more direction during sampling and analyses. The Sampling and Analytical Methods section provides detailed guidance to the Discharger with regard to the collection and analyses of effluent and receiving water samples. This section also covers the authorized analytical methods, calibration requirements, effluent sampling plans, follow-up measures to failing effluent and toxicity results, and frequency of sampling event.

Section D. Start Up Phase Monitoring and Reporting: It is imperative to understand the characteristics of the discharge at the start-up of the project prior to proceeding with discharges to the receiving water body. The requirement for start-up monitoring and reporting confirms effluent characteristics provided in the NOI and is necessary when effluent characteristics have not been determined due to the lack of water source data or other factors. The Discharger will be required to notify Water Board staff of project start-up date 7 to 14 days prior to start-up. This provides ample time for Water Board staff to be present at the time of start-up to oversee that operations follow the intent of the permit.

**Section E. Discharge Monitoring (Previously Section A in General Permit) —** Modifications to the Discharge Monitoring section include:

- A. Start-up analyses are required for all constituents.
- B. 'Flow Volume' is now 'Flow Rate.' Reporting units remain the same (GPD or gallons per day).
- C. 'Flow Rate' is now 'Discharge Volume' to be reported as 'Gallons' on a

'Monthly' basis. The previous reporting unit was (GPM or gallons per minute) and reported on a weekly basis.

- D. Water Board staff added a note describing the representative time to collect an effluent sample. The note reads as, "The Discharger will collect annual samples during a volumetric flow period that is representative of the average effluent flow rate or average seasonal effluent flow rate, whichever average is higher."
- E. Water Board staff added a note which defines Acute Toxicity. The note states, "TUa = 100/96-hr LC50%"

#### **Section F. Receiving Water Monitoring (Previously Section B in General Permit) —**

Section F (previously B) defined receiving water and ocean water monitoring locations and discussed observations and frequency of observations. The monitoring location definitions are now in Section B of the General Permit and are not repeated here. This section is now in table format which directs the Discharger to focus more on the actual visual monitoring location and frequency required by the General Permit. Water Board staff believes the previous text format of visual monitoring frequency caused the Discharger to overlook these requirements.

As a measure of receiving water quality prior to start of discharge and throughout the influence of a discharge event, Section F requires the Discharger to collect samples at start-up and on an annual basis. Receiving water analyses includes pH, temperature, color, turbidity, and dissolved oxygen. This data will assist Water Board staff in determining influence or exceedance of limitations for the receiving water.

**Section G. Reporting (Previously Section D in General Permit) —** Water Board staff has modified this section to provide the Discharger with a description of the minimum amount of data required in the Contingency Plan, Start-up Plan, Chemical Additives Report, and Self Monitoring Report. Items called out in this

section that were not previously discussed include the requirement for a map or aerial photograph depicting discharge and monitoring locations, reporting of chemicals added to the process but not reported in the NOI, start-up data submittals, and soil erosion measures taken at the point of discharge.

Water Board staff modified the annual January 31 report submittal due date. The new report due date is now set for 45 days after collection date of annual samples. This reporting due date allows Water Board staff to be informed of any violations encountered within an acceptable time frame and address them early as opposed to potentially ten months after the violation occurred. This modification will require Water Board staff to work with the Discharger to set an annual reporting date based on representative flow as stated earlier. The established sampling period and reporting date will be written into the Discharger's monitoring and reporting program.

### **ENROLLMENT PROCESS**

#### **Submit Notice of Intent to Comply and Effluent and Receiving Water Data**

To obtain coverage under the General Permit, a Notice of Intent (NOI) to Comply form and appropriate annual fee must be submitted for each individual discharge or outfall. Signing the certification on the NOI signifies the discharger intends to comply with the provisions of the General Permit. Dischargers who submit an NOI are not required to submit an individual NPDES permit application.

NOI submittals must also include: (1) a list of chemicals (including Material Safety Data Sheets) added to the water; (2) analyses of effluent concentrations for appropriate chemical constituents (Attachment D), and (3) analyses of the receiving water body. Proposed discharges to inland surface waters must also submit results of analyses of effluent for total chlorine, pH, nitrate, turbidity, and total dissolved solids. Proposed

discharges to ocean waters must also submit results of analyses of effluent for oil and grease, suspended solids, settleable solids, turbidity, pH, and acute toxicity. Water Board staff will determine from the information submittals detailed above if additional monitoring is required.

Facilities with unpermitted existing discharges to surface waters that wish to seek coverage under this permit must submit an NOI. Facilities proposing new discharges must submit an NOI and first annual fee 30 days prior to the commencement of discharge. Dischargers are authorized to discharge upon written approval by the Executive Officer. Facilities missing the appropriate deadlines for filing their NOIs must still file NOIs, but will be in violation until they receive written Executive Officer approval.

The Discharger may receive a written Notification of Exclusion (NOE) indicating the discharge is excluded from coverage under the General Permit, a request to submit an application for an individual permit, or request to apply for another general NPDES permit from the Board. Authorization to discharge under the General Permit shall be terminated upon receipt of an NOE, or adoption of an individual permit or a different general NPDES permit.

**Permit Fees**

Dischargers required to submit an NOI must pay an annual fee based on relative threat to water quality and complexity. All low threat discharges covered under this General Permit will have a threat to water quality rating of III and a complexity rating of C.

**Authorization of Enrollment**

After Water Board staff determines that enrollment of a proposed discharge may be appropriate, staff or the Discharger will mail notice of the Water Board's intent to enroll the proposed discharge under the General Permit to the enrollee and other interested parties. The

enrollee and other interested parties are allowed a two-week period in which to comment. Assuming there are no significant objections, enrollment of the discharge under the General Permit is authorized in writing by the Executive Officer of the Water Board.

**Water Board Approval**

All discharges authorized for enrollment under the General Permit are described in the *Low Threat Cases* section of each Water Board meeting's agenda, in order for the Water Board to review individual enrollees. Through this public review process, the Water Board may determine that a particular waste discharge is not suitable for enrollment under the General Permit and will be more appropriately regulated under an individual NPDES permit, another general NPDES permit, or waste discharge requirements.

**RECOMMENDATION**

Adopt order No. R3-2006-0063, NPDES No. CAG 993001.

**ATTACHMENTS**

1. WDR Order No. R3-2006-0063, NPDES No. CAG 993001
2. Attachment A – Notice of Intent
3. Attachment B - MRP Order No. R3-2006-0063
4. Attachment C – Notice of Termination
5. Standard Provisions and Reporting Requirements for National Pollutant Discharge Elimination System Permits (1985)